

**POLICE CONDUCT OVERSIGHT COMMISSION
POLICY AND PROCEDURE COMMITTEE**

Minutes

Regular Meeting July 28, 2015

Starting at 6:00 p.m.

350 Fifth Street, Room 241, Minneapolis, MN 55407

Committee members Present: Andrew Buss (Chair), Jennifer Singleton, and Laura Westphal (quorum 2).

Committee Members Absent: None.

Staff Present: Ryan Patrick, Legal Analyst.

Chair Buss called the meeting to order at 6:01 p.m. A quorum of the Commission was present.

Singleton moved to adopt meeting agenda.

Westphal seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Singleton moved to approve the meeting minutes from June 23, 2015.

Westphal seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Presentation on Chemical Agents

Chemical Agents – Use and Policy Training with Lieutenant Aaron Biard

The following are the main points from Lieutenant Baird and Sergeant Westermeier's update:

- There are a couple of companies that manufacture chemical agents, which include Defense Technology, and Combined Tactical Systems, and Dep Tech.
- Federal laboratories decided to look at less lethal options, which started with military usage and world wars, which has blossomed into other usages.
- Mace, or pepper spray is essentially a food product mixed with oil and resin; pungency involves the level of intensity of the product.
- The products cause psychological and physiological effects, which include some physical discomfort, anxiety, fear, and panic; however reactions are varied.

Pending Approval

- There may be a varied reaction time, which can become difficult to measure, which can also be affected by environmental factors including humidity, temperature, and mental state of the individual.
- The products have proven effective in approximately 90% of cases, but are not fool proof; some individuals are not affected by the product.
- Studies from IACP and NIJ indicate that when used on animals the products are 100% effective.
- Although there are other methods of delivery available, the MPD uses the stream format, which is generally accurate for about 6-15 feet.
- MPD does use large canisters for crowd control, but carries the smaller variety during their daily routine.
- There is no separate policy for individuals under the age of 18.
- The policies that govern chemical agents include: 3-203, required equipment; 5-312, civil disturbances; 5-313.01 MPD use of chemical agents; 5-313.-1 (10/01/10) post exposure treatment and medical aid.

With the conclusion of the presentation from Lieutenant Biard and Sergeant Westermeier, Chair Buss opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the points presented:

Buss – asked if an individual is directly sprayed does that indicate an intention to arrest and if individual is arrested is a report generated about the use of chemical agents. He also questioned if statistics were generated with regard to the frequency of use of the products and how often citizens require medical assistance after exposure.

Singleton – asked if verbal expressions could fall under the category of active aggression, whether or not there is a warning issued prior to using chemical agents, and if SRO's, School Resource Officers, carry chemical agents when on duty, and if is there training on including their reasoning for the use of force, and if so, do supervisors view every report after the incidents.

Westphal – asked about distinctions for chemical usage on teenagers and if there is a report done right after the incident occurs or after the officers shift.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Impromptu Discussion with Officer Sherry Appledorn on the Body Camera Pilot Project

The following are the main points from Officer Appledorn's update:

- Used cameras from Taser International and Veview for three months each.

Pending Approval

- The policy was intentionally left vague to solicit input to shape the policy as the project unfolded.
- Found there are limitations, which include camera usage at hospitals and other health care facilities due to HIPAA rules and privacy concerns, and requests from commercial retail establishments, e.g. Target.
- Pros and cons of writing report before or after viewing video footage.
- Obstacles involved in wearing cameras with heavy outer gear in winter months.
- Security safeguards for each body camera system, including uploading and downloading capabilities.
- Activation and deactivation of cameras.
- Gaining consent of citizens prior to filming.
- Officer privacy concerns.

With the conclusion of the presentation from Officer Appledorn, Chair Buss opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the points presented:

Buss – asked about restrictions involving victims and recording considerations, questions the misperception that officers have the ability to edit or post on websites and social media sites prior to the official download, and camera usage in the squad car.

Singleton – asked whether the iPhone used with the Taser International system stays with the camera and if one may use on their personal devices, if individuals were informed that they were being recorded and the public reception, and consent to release video on the part of officers in the case of a complaint.

Westphal – asked if there may come a time where the camera becomes automated, whether or not the camera affected interactions, specifically de-escalation; reviewing video data prior to writing reports and potential issues associated with it.

With no further discussion on the matter, the Chair moves to the next item on the agenda.

Ongoing Business

Research and Study Status Updates:

The following are the main points from Mr. Patrick's update:

- Have received approximately 500 pages from the Seattle Police Department [SPD] on Cultural Awareness.

Pending Approval

- SDP's de-escalation policies were developed under the partnership with the Feds as a result of their Consent Decree, which includes a module on techniques.
- The information from SPD implicit bias training, which was developed in-house.
- The information provided may warrant revising the Cultural Awareness report; may not be able to incorporate by the next meeting but will have it publicly available.

With the conclusion of the update from Mr. Patrick, Chair Buss opened the floor for discussion. The following is a list of speakers during the discussion and an abstract of the points presented:

Buss – indicated interest in getting everything on the website to make it more user-friendly.

Singleton – indicated that she attended a poverty simulation and would be happy to contact the professor to have the materials sent for inclusion in the report. Additionally, the professor is interested in participating in post-certification activities and would like to submit the materials

Pending Information Requests:

With no quorum at the last Police Conduct Oversight Commission meeting, no new cases were referred to the Committee. The Chair moved to the next item on the agenda.

Discussion Items

Tracking and Review of Cases and Topic Areas

Chair Buss indicated that there are no specific cases at the moment and did not have anything on the agenda for this meeting. Commissioner Westphal indicates that she is still familiarizing herself with the information at the moment.

With no new information available at this time, the Chair moved to the next item on the agenda.

Cultural Awareness Training, Recommendations, and Implementation:

Chair Buss indicated that he met with Deputy Chief Glampe and Commander Case after the EIS meeting. Commander Case emailed topic areas and extended an invitation to sit in on the new MPD training class, which will be starting soon.

Pending Approval

With no further information available at this time, the Chair moved to the next item on the agenda.

MPD Code of Conduct Policy and Discipline Matrix

Commissioner Westphal indicated that she has spoken with Deputy Chief Arredondo and Glampe and has been able to set up a meeting with them and will provide an update at the next meeting.

With no further information available at this time, the Chair moved to the next item on the agenda.

New Business

New Cases Referred to the Committee by the Commission

With no new cases referred to the Committee by the Commission. The following is a list of the comments discussed and an abstract of their individual comments:

Westphal – would like to have someone from the School Resource Officers to give a presentation to the Committee in addition to contacting Social Study teachers.

With no further discussion, the Chair moved to the next item on the agenda.

Public Comment

With no members of the public making comment, Chair Buss closed the floor and moved to the next item of the agenda.

Adjournment

With all of the Committee's business being concluded, the Chair entertained a motion:

Westphal moved to adjourn.

All in favor. None opposed.

The motion carried.

Chair Buss adjourned the meeting at 8:49 p.m.